

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brett Krueger on 10 October 2008.

The application has been amended as follows:

Claim 75, line 8, "overhand" has been replaced with --overhang--.

Claim 75, line 8, --to resist separation of a mating fastener element-- has been inserted between "base" and the semicolon.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

For claim 75, Marchese et al. (US 3,748,697) discloses a self-engageable fastener component (10) comprises a sheet-form base (12) and an array of wedge-shaped, engageable elements (14) extending integrally from at least one side of the sheet-form base (Figs. 1-5). Each of the engageable elements has an engageable side and a non-engageable side conterminous at an upper edge of the element (Figs. 1-5).

The upper edge of each engageable element defines a curve in top view (Figs. 1 and 3). The engageable sides of a majority of the elements are oriented in a common direction and overhang the sheet form base to resist separation of a mating fastener element (Figs. 1-5). The engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element (Figs. 1-5). Marchese fails to disclose that the array of wedge-shaped engageable elements are arranged in multiple rows wherein pair of adjacent fastener elements in each row define corresponding wells therebetween for receiving an upper edge of a mating fastener element. Although it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have multiple rows of wedge-shaped engageable elements since duplicating the components of a prior art device is a design consideration within the skill of the art (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)), it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have pair of adjacent fastener elements in each row define corresponding wells therebetween for receiving an upper edge of a mating fastener element since Marchese teaches that an upper edge of a mating fastener element engages an engageable side of another fastener element and there is no motivation to have an upper edge engaging a well formed between a pair of adjacent fastener elements.

With respect to Lauer (US 6,911,171 B2) that discloses a self-engageable fastener component (20) comprises a sheet-form base (20) and an array of wedge-shaped, engageable elements (26) extending integrally from at least one side of the

sheet-form base and arranged in multiple rows (Figs. 4 and 5) with each of the engageable elements has an engageable side and a non-engageable side conterminous at an upper edge of the element (Figs. 4 and 5) with the upper edge of each engageable element defines a curve in top view (Fig. 4) where the engageable sides of a majority of the elements are oriented in a common direction (Figs. 4) so that the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element and pair of adjacent fastener elements in each row define corresponding wells therebetween capable of receiving an upper edge of a mating fastener element (Figs. 4 and 5) and Burnett et al. (US 7,117,536 B2) that discloses a self-engageable fastener (10) component comprises a sheet-form base (10) and an array of wedge-shaped, engageable elements (52) extending integrally from at least one side of the sheet-form base with each of the engageable elements has an engageable side and a non-engageable side conterminous at an upper edge of the element (Fig. 4) with the upper edge of each engageable element defines a curve in top view (Fig. 4) where the engageable sides of a majority of the elements are oriented in a common direction (Fig. 4) so that the engageable side intersects an upper surface of the base and the non-engageable side extends from the base to the upper edge of the element and pair of adjacent fastener elements in each row define corresponding wells therebetween capable of receiving an upper edge of a mating fastener element (Fig. 4), both Lauer and Burnett fail to disclose that the engageable sides of a majority of the elements are oriented in a common direction and overhang the sheet-form base to resist separation of a mating fastener

element. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the engageable sides of a majority of the elements are oriented in a common direction and overhang the sheet-form base to resist separation of a mating fastener element as described in pages 9 and 10 of the specifications since Lauer and Burnett disclose that the engageable sides of a majority of the elements are oriented in a common direction and being perpendicular to the sheet-form base without any overhang.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 21, 2008

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